

# Fire Services and Other Legislation Amendment Regulation 2025

Explanatory notes for SL 2025 No. 53

made under the

*Building Act 1975*

*Fire Services Act 1990*

*State Penalties Enforcement Act 1999*

## General Outline

### Short title

*Fire Services and Other Legislation Amendment Regulation 2025*

### Authorising laws

Section 261 of the *Building Act 1975*

Sections 152B, 152E, 152I and 154E of the *Fire Services Act 1990* (FS Act)

Section 165 of the *State Penalties Enforcement Act 1999*

### Policy objectives and the reasons for them

#### Emergency Management Levy

##### *Levy classes*

The Emergency Management Levy (EML) is a significant source of funding for the Queensland Fire Department (QFD). The EML applies to prescribed properties within various levy districts throughout the State and is collected by local governments, generally as part of rates notices.

The amount of EML a property owner is required to contribute depends on the proximity of their property to firefighting services and their use of the land (in particular, the level of fire and incident risk from that use). EML contributions for the different classes of levy districts and land uses are set out in schedule 2 of the *Fire Services Regulation 2011* (FS Regulation).

To assist in the administration of the EML, levy district maps are prepared which show the boundaries, names and classes of the various levy districts throughout the State.

Section 8 of the FS Regulation prescribes levy classes for levy districts based on the number of fire officers at fire stations within the levy district. There are five classes of levy districts ranging from class A, which has a permanent fire station with at least 16 full-time fire officers and attracts the highest amount of EML, to class E which covers the non-urban and remote parts of the State and attracts the lowest EML. For levy classes A to D, schedule 1 of the FS Regulation indicates which levy class each levy district falls into according to the requirements in section 8.

The *Fire Services and Other Legislation Amendment Regulation 2025* (Amendment Regulation) will reflect a change in levy class for the Yelarbon Levy District from class D to class E and pause other levy class changes for 2025-26 which would otherwise operate to increase levy contributions for several levy districts. The Yelarbon Fire and Rescue Station has transitioned from being staffed by an auxiliary crew to a rural fire brigade service which, under the operation of section 8 of the FS Regulation, results in the levy class change.

#### *Indexation of the EML*

The Amendment Regulation will increase the EML by up to 3.4 per cent, consistent with the Government Indexation Rate for 2025-26 applied to fees and charges.

#### **Use of unregistered rural fire brigade vehicles on roads**

Under section 152B of the FS Act, an unregistered vehicle may be used on a road by a rural fire brigade, or by a fire service officer assigned to Rural Fire Service Queensland, for carrying persons or equipment for the purpose of preventing, controlling or extinguishing a fire; for the purpose of training relating to firefighting or fire prevention; or for another purpose, authorised in writing by the Commissioner. The vehicle must be clearly identified as a vehicle of a rural fire brigade and be covered by an insurance policy of the kind mentioned in section 23(1) of the *Motor Accident Insurance Act 1994*.

The *Disaster Management and Other Legislation Amendment Act 2024*, which commenced on 1 July 2024, amended section 152B to include a new regulation making power to provide that an unregistered vehicle may be used on a road for a purpose and by a person set out in a regulation. The regulation making power was inserted to provide flexibility to deal with changing and uncertain situations that may arise with significant fire events.

The Amendment Regulation will prescribe additional circumstances where an unregistered rural fire brigade vehicle may be used on a road.

#### **Penalty infringement notice offences**

Chapter 4A, part 4, division 5A of the FS Act sets out the requirements for smoke alarms in domestic dwellings and provides offences for failure to comply with the requirements to install alarms and to ensure that alarms are appropriately maintained or are replaced at appropriate intervals.

The Amendment Regulation prescribes certain smoke alarm related offences under the FS Act as penalty infringement notice offences under the *State Penalties Enforcement Regulation 2014* (SPE Regulation). This will allow these offences to be enforced more efficiently and reduce the potential burden on the court if required to hear these matters .

### **Minor and technical amendments**

The Amendment Regulation removes redundant references in legislation and makes a number of minor and technical amendments of a correcting nature.

## **Achievement of policy objectives**

### **Emergency Management Levy**

#### *Levy classes*

Updates to the levy classes listed in schedule 1 of the FS Regulation are made for a financial year where there are service enhancements or changes to service delivery in a particular levy district.

The Yelarbon Levy District will transition from a class D levy district to a class E levy district for 2025-26 in accordance with section 8 of the FS Regulation as the Yelarbon Fire and Rescue Station has transitioned from being staffed by an auxiliary crew to a rural fire brigade service. The Amendment Regulation omits the Yelarbon Levy District from schedule 1 of the FS Regulation to reflect the change.

To pause other levy class changes for 2025-26 which would otherwise operate to increase levy contributions for several levy districts following service enhancements in those areas, the Amendment Regulation amends section 8 of the FS Regulation to provide that, for the financial year starting on 1 July 2025, it applies in relation to the levy class of a levy district subject to new section 8A. New section 8A provides that the levy classes for the financial year starting on 1 July 2025 will be the same as the classes that applied in relation to the levy districts under sections 8(1), (2), (3), (4) or (5) for the financial year starting on 1 July 2024 (except for the Yelarbon Levy District).

#### *Indexation of the EML*

The Amendment Regulation amends schedule 2 of the FS Regulation to prescribe the annual contributions of owners of prescribed properties for 2025-26.

### **Use of unregistered rural fire brigade vehicles on roads**

The Amendment Regulation amends the FS Regulation to clarify that unregistered rural fire brigade vehicles may be used on roads in the following circumstances:

- (a) by a member of a fire brigade, or another entity that provides an emergency service, from outside Queensland for a purpose mentioned in section 152B(1)(a)(i)(A), (B), or (C) of the FS Act;

- (b) by a person, including, for example, a mechanic, maintaining or repairing the vehicle for the purpose of carrying out the maintenance or repair or another purpose incidental to that purpose.

### **Penalty infringement notice offences**

The Amendment Regulation prescribes six offences under the FS Act as penalty infringement notice offences under the SPE Regulation. The prescribed offences relate to a failure to install a smoke alarm by the owner of a domestic dwelling (section 147Z(3)); where an owner fails to replace a smoke alarm within 10 years from its date of manufacture (section 148A(1)); lessors and tenants failing to meet their obligations to test smoke alarms (sections 148B(1) and 148B(2)); and lessors and tenants failing to meet their obligations to clean smoke alarms (sections 148E(1) and 148E(2)).

The Amendment Regulation also corrects two minor and technical errors in the FS Act entry in schedule 1 to the SPE Regulation.

### **Minor and technical amendments**

Amendments to the *Building Fire Safety Regulation 2008* and the FS Regulation update a number of references to incorrect or outdated section numbers and legislation.

### **Consistency with policy objectives of authorising laws**

The Amendment Regulation is consistent with the objectives of the authorising laws, particularly the FS Act. The EML contributes significantly to ensuring the prevention of, and response to, fires and other emergency incidents and for rescue services and operations.

### **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

### **Benefits and costs of implementation**

There are 233 properties in the Yelarbon Levy District that will transition from class D to class E. Of these, 228 are levy group 5 or below. Consequently, there will be no financial impact, as they will be subject to the same levy rate as the current class D levy. The remaining five properties (being one cemetery, two churches, one community hall and one community protection centre) will no longer be prescribed properties in accordance with section 7A of the FS Regulation and will therefore not be subject to the EML.

The Amendment Regulation will not impose any additional cost on the Queensland Government. Implementation costs are limited to localised consultation, adjusting communication materials and forms. These costs will be met through existing budgets.

The pause on certain levy class changes for 2025-26 will have a detrimental impact on QFD's annual operating budget due to revenue foregone within the paused levy districts. It is estimated that this loss of revenue will be approximately \$3.27 million in 2025-26.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

No external consultation was undertaken on the Amendment Regulation for the reasons set out below.

The amendments to increase EML contributions by up to 3.4 per cent for 2025-26 are part of an annual process which is machinery in nature and does not involve any change to regulatory policy.

The levy class change for the Yelarbon Levy District is the result of the application of current legislative provisions. Following the decision by Government to pause other levy class changes which would increase levy contributions for several levy districts following service enhancements in those areas, notices were sent to potentially impacted property owners advising that levy contribution increases would not apply for the coming financial year.

The amendments relating to the use of unregistered vehicles by rural fire brigades are limited in nature and address some minor deficiencies in the current legislation.

The amendments to introduce penalty infringement notices for certain offences under the FS Act are minor and technical in nature.

No further regulatory impact analysis is required for the Amendment Regulation under the Queensland Government *Better Regulation Policy* as:

- the amendments relating to the annual increase to the EML, the transition of the Yelarbon Levy District from a class D to class E levy district and the renumbering amendments are machinery in nature;
- the pause on EML increases is deregulatory in nature, will not increase costs or the regulatory burden and relates to taxation;
- the amendments relating to the use of unregistered rural fire brigade vehicles will only impact the internal operations of the public sector or a statutory authority, will have no material impact on business or the community and will, in part, be deregulatory in nature; and
- the amendments prescribing several FS Act offences as infringement notice offences under the SPE Regulation do not increase costs or regulatory burden on business or the community, may reduce the burden of a court appearance and relate to general criminal laws.

An Impact Analysis Statement will be published following the making of the Amendment Regulation.

© The State of Queensland 2025